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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: U.S. Application
Serial No: 09/373,625
Filed: August 13, 1999
Group: 2761

Inventor: DANIEL D. GRANGER ET AL
For: IN-VEHICLE PROMOTIONS SYSTEM

SIR:

Attached hereto for filing are the following papers:

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02(VIII)

Our check in the amount of \$ --130.00-- is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

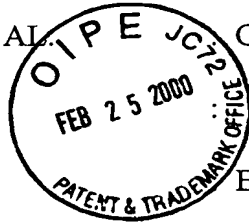
IN RE APPLICATION OF :

DANIEL D. GRANGER ET AL. GROUP ART UNIT: 2761

SERIAL NO: 09/373,625

FILED: AUGUST 13, 1999

FOR: IN-VEHICLE PROMOTIONS SYSTEM



EXAMINER:

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PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02(VIII)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I. Basis For the Petition

Pursuant to MPEP § 708.02(VIII) (7th ed.1998), applicants hereby petition for a special status for this application.

II. Requirements for Granting Special Status

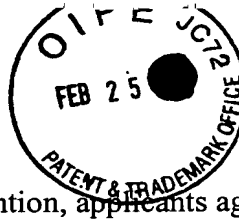
MPEP § 708.02(VIII) provides five requirements for a grant of special status. The following subsections show that each of these five requirements is met.

A. Submit Petition and Fee: § 708.02(VIII)(A)

This petition is accompanied by the fee set forth in 37 CFR § 1.17(i).

B. Agree to an Election Without Traverse: § 708.02(VIII)(B)

Applicants submit that all claims are directed to a single, patentable invention because each claim relates to in-vehicle promotions. However, should the Office determine that all



the claims presented are not directed to a single invention, applicants agree to elect the largest group of claims that includes claims 1-28.

**C. State that a Pre-examination Search Was Made:
§ 708.02(VIII)(C)**

A preexamination search was made. The pre-examination search included a search of the following classes and subclasses: (1) class 705, subclasses 10, 14, 16, 17, 22, and 23; (2) class 235, subclasses 375 and 383; and class 340, subclasses 825.69 and 825.72. Examiner Edward R. Cosimano of Art Unit 2761 was consulted in developing the field of search.

Also, a key word search was performed on the U.S. Patent Office Automated Patent System computer database. Forward citation searches were also performed for the more relevant patents found during the course of the search as well as a review of the patents cited on the more relevant patents.

**D. Submit a Copy of the Most Relevant References:
§ 708.02(VIII)(D)**

A copy of each reference discussed below was submitted with the information disclosure statement and form PTO-1440, filed January 12, 2000.

**E. Submit a Detailed Discussion of the References, Pointing
Out How the Claimed Subject Matter is Patentable Over
the References: § 708.02(VIII)(E)**

Each of the independent claims includes features, which, when interpreted in light of the specification, are not taught or suggested by the references deemed most relevant to the claims. The patentable features of each independent claim are discussed below followed by an analysis of the references deemed most relevant to the claims.

Claim 1 defines an in-vehicle promotion system installed in a vehicle. The system includes a position receiver; a controller connected to the receiver; a wireless

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communications device connected to the controller; and a display adapted to be installed in the vehicle and connected to the controller.

Claim 29 also defines an in-vehicle promotion system installed in a vehicle. The system includes an RF receiver receiving transmitted promotions information; a controller connected to the receiver; and a display adapted to be installed in the vehicle and connected to the controller for displaying the promotions information.

Claim 43 defines a method of displaying promotions information in a vehicle. The method includes the steps of storing data corresponding to the promotions information in the vehicle; and displaying the data after the vehicle comes within a defined proximity to a store with which the promotions information is associated.

Claim 58 defines a method of displaying promotions information in a vehicle. The method includes the steps of storing data corresponding to the promotions information in the vehicle; associating the promotions information with a store and the location of the store; accepting a user request for a geographical range of interests; and displaying the data based upon the location of the store falling within the geographical range of interest.

Claim 59 defines a method of displaying promotions information in a vehicle. The method includes the steps of storing data corresponding to the promotions information in the vehicle; associating the promotions information with a store; and displaying the data based upon a user request for information concerning the store.

Claim 60 defines a method of distributing promotions information. The method includes the steps of forming a database of promotions information of at least one store; wirelessly distributing data corresponding to the promotions information to a vehicle; and displaying the data after the vehicle comes within a defined range of the store.

The U.S. patents 5,327,066; 5,742,299; 5,499,181; 5,717,374; 5,806,018; and 5,422,624 to Smith disclose a method and apparatus for inputting messages and other information, such as advertisements, to a vehicle while the vehicle is coupled to a local station, such as a recharging station or a refueling station. However, the disclosures of Smith do not teach or suggest (1) an in-vehicle promotions system installed in a vehicle, as defined by Claims 1 and 29, (2) a method of displaying promotions information in a vehicle, as defined by Claims 43, 58, and 59, or (3) a method of distributing promotions information, as defined by Claim 60.

The Malik 5,295,064 patent discloses a shopping cart display system that includes a cart mounted display that is responsive to unique trigger signals provided by transmitters at fixed locations. When the display receives a unique trigger signal, it displays advertising associated with the respective location. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Malik 5,973,952 patent discloses a shopping cart display system that includes a cart mounted display that is responsive to trigger signals provided by transmitters associated with a particular location. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Von Kohorn 5,128,752 patent discloses a method and system for generating and redeeming tokens. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Von Kohorn 5,249,044 patent discloses a system for generating product coupons at remote locations. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Johnsen 5,250,789 patent discloses a shopping display system for organizing a shopping list in accordance with the locations of products in a store and for displaying promotions in response to a product being scanned by a product scanner. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Malik 5,287,266 patent discloses a shopping cart display system that includes a cart mounted display that is responsive to unique trigger signals provided by transmitters associated with fixed locations. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Axler et al 5,305,197 patent discloses a system for printing consumer selected items. The system includes a central computer, a display of different consumer items, a keyboard interfaced with the central computer to allow a consumer to select one of the displayed items, and a printer enabling an item to be printed in response to the consumer selection. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Hassett 5,351,187 patent discloses an apparatus for automatic payment of parking fees in a parking zone. However, this reference does not relate to in-vehicle promotions.

The article "Ads On Wheels Roll Into Supermarkets" discloses a shopping cart with a video screen that displays ads as customers stroll past products along the aisles of a store. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Weinblatt 5,401,946 patent discloses a method and system for correlating purchasing behavior of a consumer to advertisements. However, this reference fails to teach

or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Sonnendorfer 5,406,271 patent discloses a shopping cart system for use in stores. The cart includes a digital memory for storing information specific to a department. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Caldwell et al 5,465,085 patent discloses a system for electronically displaying item data available in updatable form from a computer, such as item prices, for purchaser viewing. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Weinblatt 5,515,270 patent discloses monitoring advertisements and promotions to which a consumer has been exposed together with subsequent purchasing behavior of that consumer. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Ruppert et al 5,640,002 patent discloses a portable bar code and RF ID tag reader that gathers information about items to be purchased by reading bar codes or RF ID tags. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Krueger et al 5,697,061 patent discloses a method and apparatus for providing information concerning products, using radio frequency transmissions. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Van Donkelaar et al 5,726,431 patent discloses a shelf tag printing system that includes a portable terminal in radio communication with a base station and a portable printer in wireless communication with the portable terminal. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Schkolnick et al 5,729,697 patent discloses a shopping cart that keeps track of objects selected and carried in the cart and provides a customer using the cart with information such as the total price of the items carried. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Golden et al 5,761,648 patent discloses a data processing system for issuing electronic certificates through online networks of personal computers, televisions, and other devices with video monitors or telephones. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Van Horn 5,773,954 patent discloses a charging station for charging a battery that powers a portable data collection device. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Storey 5,774,870 patent discloses a fully integrated on-line frequency award program. A user may access the program on-line and may browse a product catalog for shopping. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Biorge et al 5,806,045 patent discloses a customer incentive system that involves a plurality of service or merchandise providers. The system includes a customer-carried,

portable device, a provider device, and a base device. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Slavin et al 5,819,234 patent discloses an automatic toll collection system in which transponders are provided for sale to the public in sealed packages which are pre-approved for a predetermined amount of prepaid toll credit. However, this reference does not disclosed the claimed in-vehicle promotion system.

The O'Hagan et al 5,821,512 patent discloses a portable data collection device adapted to be mounted to a shopping cart. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The O'Hagan et al 5,821,513 patent discloses a shopping cart mounted portable data collection device with a tethered dataform reader. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Carrender et al 5,850,187 patent discloses a method and apparatus for object identification, which includes a portable electronic tag reader having a transceiver capable of both reading identification information from electronic tags and transmitting collected information to a base unit for remote analysis. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Grimes et al 5,859,414 patent discloses a customer information terminal for use in a retail grocery store. The terminal includes a housing defining an interior region and a display screen supported by the housing and electronically coupled to a microprocessor.

However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Sugiyama et al 5,870,716 patent discloses a shopping system that includes store terminal for registering purchase and sale of items, a store processor, and an item information database for storing classification information of the items and the electronic shelf labels from information from the electronic shelf labels. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

The Teicher et al 5,880,449 patent discloses a method and system for granting a customer visiting a store with personally associated prices for selected items. The customer receives a portable customer unit, which communicates with a check-in unit for establishing personal prices for the selected items. However, this reference fails to teach or suggest a method or system that incorporates a vehicle in distributing or displaying promotions.

Accordingly, independent Claims 1, 29, 43, 58, 59, and 60, when interpreted in light of the specification, are believed to be patentable over the references discussed above. Dependent Claims 2-28, 30-42, 44-57, and 61-64 are also believed to be patentable over the references discussed above for at least the same reasons as independent Claims 1, 29, 43, 58, 59, and 60, respectively.

III. Conclusion

The petition to make special should be granted. Therefore, applicants respectfully request that this application be advanced out of turn for examination.

Respectfully submitted,



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